

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED WHOLESALE MORTGAGE,  
LLC, a Michigan Limited Liability  
Company,

Plaintiff,

v.

Case No. 22-cv-10228  
Hon. Laurie J. Michelson

AMERICA'S MONEYLINE, INC.,  
MORTGAGE MONEYLINE, INC.,  
SHAWN NEVIN and DEAN LOB,

Defendants.

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WILLIAM E. McDONALD III (P76709)  
ROGER P. MEYERS (P73255)  
MAHDE Y. ABDALLAH (P80121)  
LANE MORRISON  
MOHEEB H. MURRAY (P63893)  
BUSH SEYFERTH PLLC  
Attorneys for Plaintiff  
100 W. Big Beaver Road, Suite 400  
Troy, Michigan 48084  
(248) 822-7800  
mcdonald@bsplaw.com  
meyers@bsplaw.com  
abdallah@bsplaw.com  
morrison@bsplaw.com  
murray@bsplaw.com

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JEFFREY B. MORGANROTH (P41670)  
JASON R. HIRSCH (P58034)  
MORGANROTH & MORGANROTH, PLLC  
Attorneys for Defendants  
344 North Old Woodward Avenue, Suite 200  
Birmingham, Michigan 48009  
(248) 864-4000  
jmorganroth@morganrothlaw.com  
jhirsch@morganrothlaw.com

DAVID A. ETTINGER (P26537)  
Co-Counsel for Defendants  
HONIGMAN LLP  
660 Woodward Avenue, Suite 2290  
Detroit, MI 48226  
(313) 465-7368  
DEttinger@honigman.com

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**DEFENDANTS' MOTION FOR PARTIAL RECONSIDERATION OF  
ORDER DENYING AMERICA'S MONEYLINE INC.'S MOTION TO  
DISMISS [ECF NO. 66] AS TO TIMELINESS ONLY PURSUANT TO E.D.  
MICH. L.R. 7.1(h)(2)**

Defendants, by and through their attorneys, Morganroth & Morganroth, PLLC, hereby respectfully request limited reconsideration of this Court's Order Denying America's Moneyline Inc.'s Motion to Dismiss [ECF No. 66] (the "Order") as to Timeliness Only Pursuant to E.D. Mich. L.R. 7.1(h)(2) and states as follows:

1. Upon leave granted by this Court, Plaintiff, United Wholesale Mortgage, LLC ("UWM"), filed its First Amended Complaint and Demand for Jury Trial (the "FAC") [ECF No. 60] on March 7, 2025.

2. The FAC added three new defendants to this case (the "New Defendants").

3. On March 6, 2025, UWM's counsel inquired whether counsel for existing defendant America's Moneyline, Inc. ("AML") would accept service of process of the Summons and FAC upon the New Defendants. Exh. 1.

4. AML's counsel contacted the New Defendants and obtained their consent to accept service on their behalf provided UWM agreed to provide sufficient time to respond.

5. On March 7, 2025, AML's counsel informed UWM's counsel that they were authorized to accept service of process of the Summons' and FAC upon each of the New Defendants provided that UWM agreed that the Defendants' deadline to answer the FAC would be 30 days after service of the FAC. *Id.*

6. On March 10, 2025, UWM agreed to the 30-day answer period for the FAC and, pursuant to the agreement of the parties, served the FAC and Summons' that same day, which made April 9, 2025 as Defendants' deadline to answer the FAC. *Id.*

7. On April 9, 2025, all Defendants timely filed a Motion to Dismiss the FAC [ECF No. 65] in accordance with the stipulation with counsel. *Id.*

8. On April 10, 2025, this Court denied the Motion to Dismiss the FAC based upon two findings: (1) that the Motion was not timely under the Federal Rules of Civil Procedure; and (2) on substantive grounds. ECF No. 66.

9. This Motion for Reconsideration addresses only the Court's holding that the Motion to Dismiss was not timely and does *not* seek reconsideration of the Court's denial of the Motion to Dismiss on substantive grounds.

10. Defendants submit the stipulation (attached hereto as Exh. 1) for the purpose of informing the Court as to the agreement reached between counsel regarding service of the FAC and a deadline for filing a responsive pleading.

11. E.D. Mich. L.R. 7.1(h)(2) states:

Motions for reconsideration of non-final orders are disfavored. They must be filed within 14 days after entry of the order and may be brought only upon the following grounds ...

(A) The court made a mistake, correcting the mistake changes the outcome of the prior decision, and the mistake was based on the record and law before the court at the time of its prior decision;

- (B) An intervening change in controlling law warrants a different outcome; or
- (C) New facts warrant a different outcome and the new facts could not have been discovered with reasonable diligence before the prior decision.

12. Because the Court was unaware of the agreement of counsel to accept service on behalf of the New Defendants and as to the deadline to respond to the FAC, which is now memorialized in the Stipulation (attached hereto as Exh. 1), Defendants respectfully request limited reconsideration of the Order and specifically request that the portion of the Order holding that the Motion to Dismiss was not timely filed be reconsidered and stricken in light of the Stipulation.

13. Concurrence in the relief requested was not granted.

WHEREFORE, Defendants respectfully request that this Court strike only that portion of the Order holding that Defendants' Motion to Dismiss the FAC was untimely while the remainder of the Order remains unchanged.

Respectfully submitted,

MORGANROTH & MORGANROTH, PLLC

By: /s/ Jason R. Hirsch  
JEFFREY B. MORGANROTH (P41670)  
JASON HIRSCH (P58034)  
Attorneys for Defendants  
344 North Old Woodward Avenue, Suite 200  
Birmingham, Michigan 48009  
(248) 864-4000  
jmorganroth@morganrothlaw.com  
[jhirsch@morganrothlaw.com](mailto:jhirsch@morganrothlaw.com)

Dated: April 16, 2025

**CERTIFICATE OF SERVICE**

I hereby certify that on April 16, 2025, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification of such filing to all counsel of record.

MORGANROTH & MORGANROTH, PLLC

By: /s/ Jason R. Hirsch  
JEFFREY B. MORGANROTH (P41670)  
JASON HIRSCH (P58034)  
Attorneys for Defendants  
344 N. Old Woodward Ave., Suite 200  
Birmingham, MI 48009  
(248) 864-4000  
Email: [jhirsch@morganrothlaw.com](mailto:jhirsch@morganrothlaw.com)

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**BRIEF FORMAT CERTIFICATION FORM**

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I, Jason R. Hirsch, hereby certify that the foregoing brief complies with Eastern District of Michigan Local Rules 5.1(a), 5.1.1, and 7.1 and Judge Michelson's Case Management Requirements. In particular, I certify that each of the following is true (click or check box to indicate compliance):

- ☒ the brief contains a statement regarding concurrence, *see* LR 7.1(a);
- ☒ the brief, including footnotes, uses 14-point font, *see* LR 5.1(a)(3);
- ☒ the brief contains minimal footnotes and, in all events, no more than 10, *see* Case Management Requirements § III.A;
- ☒ the brief and all exhibits are searchable .pdfs, *see* Case Management Requirements § III.A;
- ☒ the brief is double spaced (except for footnotes and necessary block quotes) with one-inch margins, *see* LR 5.1(a)(2);
- ☒ deposition transcripts have been produced in their entirety and not in minuscrit, *see* Case Management Requirements § III.A;
- ☒ if the brief and exhibits total 50 pages or more, a courtesy copy with ECF headers will be sent to chambers, *see* Case Management Requirements § III.B.

I also acknowledge that if the Court later finds that these requirements are not met, my brief will be stricken.

/s/ Jason R. Hirsch

Dated: April 16, 2025